

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to driver's licenses and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 605, "License Issuance," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.196.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.182, 321.189 and 321.196.

Purpose and Summary

The Department is proposing to update Chapter 605 to incorporate amendments that align with existing legal authority and Department practice and to eliminate outdated or irrelevant requirements or options and accommodate modern electronic procedures.

The proposed amendments update the physical description related to eye color to align with eye color selections that already exist in the electronic license issuance system and strike outdated language related to the fee for a replacement license issued when a person no longer needs a license marked "under 18" or "under 21." Previously, Iowa Code section 321.189(6) set the replacement fee for this type of license at \$1; however, the statute has since been amended to set the replacement fee at \$10.

The Department is proposing to simplify the address change process to clarify that an address change may be completed online at the Department's website or at a driver's license kiosk and to no longer require that a person renewing a driver's license produce two forms of proof to notify the Department of a residential address change. The proposed amendments also allow the renewal of a person's driver's license within 180 days prior to the expiration date of the license, which provides more convenience and flexibility to the renewal process.

Finally, the proposed amendments expand the list of who can take advantage of the online license renewal option by allowing a person with a "J" restriction that corresponds directly to a "7" (minor's school license), "Y" (intermediate license) or "I" (ignition interlock required) restriction on the back of the person's driver's license to be able to renew the license online because these combinations of restrictions do not affect the person's eligibility to renew the license online.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 24, 2018. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

A public hearing to hear requested oral presentations will be held as follows:

July 26, 2018	Department of Transportation
1 p.m.	Motor Vehicle Division
	6310 SE Convenience Boulevard
	Ankeny, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **605.2(3)“a”** as follows:

a. The licensee's eye color using these abbreviations: Blk-black, Blu-blue, Bro-brown, Dic-dichromatic, Gry-gray, Grn-green, Haz-hazel, ~~and~~ Pnk-pink and Unk-unknown.

ITEM 2. Amend paragraph **605.2(6)“b”** as follows:

b. ~~Beginning January 15, 2013, a~~ A driver's license that is not issued as a REAL ID license as defined in 761—601.7(321) may be marked as required by 6 CFR 37.71 and any subsequent guidance issued by the U.S. Department of Homeland Security.

ITEM 3. Amend rule **761—605.4(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.180 ~~as amended by 2015 Iowa Acts, House File 635, section 50,~~ and 321.189.

ITEM 4. Amend rule ~~761—605.5(321)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code chapter 321A and sections 321.178, 321.180 as amended by 2015 Iowa Acts, House File 635, section 50, 321.180A, 321.180B, 321.188 as amended by 2015 Iowa Acts, House File 635, section 53, 321.189, 321.193, 321.194, 321.215, 321J.4, and 321J.20.

ITEM 5. Amend subrule 605.11(3) as follows:

605.11(3) Fee. The fee to replace a license is \$10. ~~Anything in this rule, notwithstanding the fee for replacement of a license under paragraphs 605.11(2) “f” and 605.11(2) “g,” shall be as set forth in Iowa Code subsection 321.189(6).~~

ITEM 6. Amend subrule 605.12(1) as follows:

605.12(1) A licensee shall notify the department of a change in the licensee’s mailing address within 30 days of the change. Notice shall be given by:

a. Submitting the address change in writing to ~~the office of driver services, Driver and Identification Services, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204;~~ or

b. Completing the address change on the department’s website at www.iowadot.gov or at a driver’s license kiosk; or

~~*b. c.* Appearing in person to change the mailing address at any driver’s license examination station service center.~~

ITEM 7. Amend subrule 605.15(2), introductory paragraph, as follows:

605.15(2) Procedure. The licensee shall apply for an extension by submitting Form 430027 to the department. The form may be obtained from and submitted to a driver’s license ~~examination station service center~~. The licensee may also apply by letter to the address in ~~761—600.2(17A); paragraph 605.12(1) “a.”~~

ITEM 8. Amend subrule 605.16(2) as follows:

605.16(2) Request for retention of record. A person with a military extension may request that the department retain the record of license issuance for the duration of the extension or reenter the record if it has been removed from department records. The request may be made by letter or by using Form 430081. The letter or Form 430081 shall be signed by the person’s commanding officer to verify the military service and shall be submitted to the department at the address in ~~761—600.2(17A); paragraph 605.12(1) “a.”~~

ITEM 9. Amend rule ~~761—605.25(321)~~ as follows:

~~761—605.25(321)~~ License renewal.

605.25(1) No change.

605.25(2) A valid license may be renewed ~~30~~ within 180 days before the expiration date. If this is impractical, the department for good cause may renew a license earlier.

605.25(3) No change.

605.25(4) If the licensee’s current residential address, name, date of birth, or sex designation has changed since the previous license was issued, the licensee shall comply with the following:

a. *Current residential address.* The licensee shall ~~comply with the requirements of 761—subrule 601.5(3) to establish a change of~~ notify the department to establish the current residential address.

b. to d. No change.

605.25(5) and 605.25(6) No change.

605.25(7) The department may determine means or methods for electronic renewal of a driver’s license.

a. No change.

b. Notwithstanding any other provision of this subrule to the contrary, the department may accept an electronic renewal application if the license contains a single “J” restriction accompanied by a “7,” “I” or “Y” restriction.

~~b. c.~~ The department reserves the right to deny electronic renewal and to require the applicant to personally apply for renewal at a driver's license ~~examination station~~ service center if it appears to the department that the applicant may have a physical or mental condition that may impair the applicant's ability to safely operate a motor vehicle, even if the applicant otherwise meets the criteria in 605.25(7) "a. "

~~c. d.~~ An applicant who has not previously been issued a driver's license that is compliant with the REAL ID Act of 2005, 49 U.S.C. Section 30301 note, as further defined in 6 CFR Part 37 (a REAL ID license) may not request a REAL ID driver's license by electronic renewal.

This rule is intended to implement Iowa Code sections 321.186 and 321.196 ~~as amended by 2013 Iowa Acts, House File 355, section 4,~~ the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.